

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

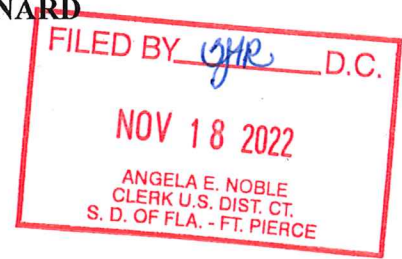
CASE NO. 22-14046-CR-CANNON/MAYNARD

UNITED STATES OF AMERICA,

v.

ANGELO VICTOR FERNANDES,

Defendant.



FACTUAL PROFFER

COMES NOW, the United States of America, by and through its undersigned Assistant United States Attorney, and Angelo Victor FERNANDES, together with his counsel, admits if this case were to proceed to trial, the government would be able to prove the allegations contained within the Indictment, which charges the defendant with distribution of child pornography, in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1) and the following facts, among others, beyond a reasonable doubt. The defendant also stipulates that those allegations, elements of the crimes and the following recitation of the facts shall constitute the underlying factual basis for the entry of a plea of guilty in this case:

1. On April 30, 2022, a lawful search of suspect 1's cellular phone revealed WhatsApp conversations between suspect 1 and the defendant that began on January 16, 2022, and continued through April 30, 2022.
2. During the chats, suspect 1 promised to send the defendant videos of himself masturbating in exchange for child pornography.
3. On February 10, 2022, suspect 1's smartphone location data placed him in Martin County, Florida, which is located in the Southern District of Florida.
4. The same day, the defendant distributed a child pornography video to suspect 1 involving a preschool aged male engaging in sexually explicit conduct with an adult female.

5. On July 8, 2022, the defendant entered the United States via the San Francisco International Airport aboard Qatar Airways flight 737 from Doha, Qatar, and was referred for secondary inspection. Agents lawfully searched an iPhone 7 in the defendant's possession, revealing the same child pornography video sent to suspect 1 on February 10, 2022.

6. The iPhone 7 was manufactured outside the United States.

7. The parties agree that these facts, which do not include all the facts known to the government and the defendant, are sufficient to prove the elements of the following offenses beyond a reasonable doubt:

Distribution of Child Pornography

First: The defendant knowingly distributed a visual depiction;

Second: the depiction was shipped or transported in interstate or foreign commerce by any means including a computer;

Third: producing the visual depiction involved the use of a minor engaged in sexually explicit conduct;

Fourth: the depiction is of a minor engaged in sexually explicit conduct; and

Fifth: the defendant knew that at least one performer was a minor and knew that the depiction showed the minor engaged in sexually explicit conduct.

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

Date: 10/4/22

By: _____

CHRISTOPHER H. HUDOCK
ASSISTANT UNITED STATES ATTORNEY

Date: 10/31/22

By: _____

PETER V. BIRCH
ATTORNEY FOR DEFENDANT

Date: 10/21/22

By: _____

ANGELO VICTOR FERNANDES
DEFENDANT